

In the Court of Appeals of the State of Alaska

Ronald Guthrie,

Appellant,

v.

State of Alaska,

Appellee.

Court of Appeals No. **A-13620**

Order

Motion to Extend Time to File Brief

Date of Order: **7/16/2020**

Trial Court Case No. **3PA-14-03409CR**

The Public Defender Agency, on behalf of the Appellant, Ronald Stephen Guthrie, seeks a 390-day extension of the filing deadline for the Appellant's opening brief. With the granting of this extension, the brief would be due on August 9, 2021. The State has notified this Court that the victims oppose this extension.

This Court recognizes that lengthy legal proceedings may cause crime victims to feel emotional stress, frustration, and anger. This Court, too, would like to have this appeal proceed more quickly. But unfortunately, this case is not unique. According to this Court's records for opening briefs filed during the last several years, the two criminal justice agencies that represent indigent defendants (the Public Defender Agency and the Office of Public Advocacy) have, on average, asked for briefing extensions of well over one year.

The underlying problem is that there are too many criminal appeals compared to the number of lawyers available to brief those appeals. While it may be tempting to order the defense agency to speed up its briefing in this case, this would create a cascading delay of the briefing in all the other criminal appeals currently being handled by that agency. There are only so many attorneys who are both (1) available and (2) competent to write a criminal appeal. And there are literally hundreds of cases that are in the same position as this one.

This Court has been aware of the briefing delay problem for some time. In January 2014, the Court issued a new set of limitations on briefing extensions. Under these new limitations, there has been a gradual reduction in the maximum permitted extensions for all briefs (both the briefs filed by the defense agencies and the briefs filed by the State's criminal appeals division). Currently, the maximum total extension for an opening brief is 390 days. This Court hopes to lower that number in the near future.

For these reasons, the Public Defender Agency's requested extension of time to file the Appellant's opening brief is **GRANTED**.

Entered at the direction of Chief Judge Allard.

Clerk of the Appellate Courts

A handwritten signature in cursive script that reads "Joyce Marsh".

Joyce Marsh, Deputy Clerk

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